

**TULALIP
CHILD SUPPORT PROGRAM
(TCSP)**



**Procedures Manual
&
Guidelines**

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INTRODUCTION

Mission Statement

Indian children are the most valued resources of the Tulalip Tribes and constitute the future of the Tribes. The purpose of the Tulalip Child Support Program is to enforce the child's right for support (financial, medical, emotional, and cultural) from both parents in order to raise the standard of living for Tribal children. This program will work in collaboration with all agencies and departments to help meet the needs of the entire family.

TCSP Guiding Principles

1. Children are our highest priority;
2. Reliable child support is crucial for families striving for self-sufficiency;
3. Stay consistent with Tulalip culture and tradition;
4. All clients are treated fairly and kept informed;
5. Recognize and work to address the needs of every family;
6. Build strong and committed partnerships;
7. Provide public education and outreach;
8. Promote a stable, safe, and healthy relationships between parents and children by participating in community efforts to strengthen families, promote healthy marriage and responsible parenthood

Social Security Act Title IV-D Background

In 1975, Title IV-D of the Social Security Act mandated states develop child support programs. The governmental objective was to alleviate the strain on the social welfare system created by single parent households unable to maintain self-sufficiency due to the absence of one, or both, of the parents. As more and more families became single parent households, in which the parent was unemployed or underemployed, families relied on the welfare system to survive. The federal government decided both parents should be held accountable for the welfare of the children even when the parent was no longer living in the home.

From a tribal perspective, the problem with the initial 1975 Title IV-D program was tribes were not consulted and ultimately were left out of the partnership in creating child support programs. This resulted in many Indian children being ineligible to receive the same quality of services and benefits from the program as non-Indian children. This initial exclusion was due to the sovereign status of federally recognized Indian Tribes which did not fall under the jurisdiction of state laws and statutes.

It took twenty (20) years for the federal government to realize the impact of the exclusion of tribes, regarding child support issues. In 1996, an initiative on welfare reform was enacted and Title IV-D was reformed to include the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), and most importantly, direct federal funding to tribes for tribal child support enforcement.

The Chickasaw Nation was the first tribe in the United States to begin a Tribal Child Support Enforcement (TCSE) program; eight other tribes shortly followed. The other tribes receiving demonstration grant funds were: Lummi Tribe, Puyallup Tribe, and Port Gamble S'Klallam Tribes of Washington, Lac du Flambeau Tribe and Menominee Nation of Wisconsin, Tlingit Tribe of Alaska, Navajo Nation and the Sisseton-Wahpeton Tribe of South Dakota.

Tulalip Child Support Program (TCSP), a comprehensive child support enforcement agency, is the result of a two-year planning grant from the Federal Office of Child Support Enforcement (OCSE) to the Tulalip Tribes. Work began when the Child Support Advisory Team began integrating the “Tulalip Way” regarding respect for self, family, and culture with best practice elements of various tribal and state child support programs to create TCSP.

The program stands to be comprehensive in 2009, after a successful review of program codes, policies and procedures by Tulalip and the federal government. TCSP has emerged as a strong, ethical child support program, which provides services to Tulalip children wherever they may live; to Native American children within the Tulalip Reservation boundaries; and to non-Indians who consent to the jurisdiction of the Tulalip Court.

Program Profile

Tulalip, a Title IV-D agency, is under the direct supervision of the Child Support Director and is a component of Northwest Intertribal Court System, reporting directly to the Tulalip Board of Directors. The TCSP attorney and tribal court advocates represent the interest of the Tulalip Tribes and all children within its jurisdiction. Parties who have legal questions or are seeking legal advice must be referred to a private attorney. As the Tulalip Tribes child support enforcement department, TCSP staff has a duty to enforce the orders of the Tulalip Court.

Funding

During the two (2) year start-up phase, Tulalip was one-hundred percent (100%) funded from the Office of Child Support Enforcement (OCSE). In the following three (3) years of the comprehensive phase Tulalip is to be ninety percent (90%) funded by OCSE and ten percent (10%) funded by The Tulalip Tribes. After the third year of a comprehensive program, TCSP is to be eighty percent (80%) funded by OCSE and twenty percent (20%) funded by the Tulalip Tribes. The grant continues as long as the Tulalip Tribes and Federal Office of Child Support Enforcement assure compliance.

Case Load

The TCSP anticipates serving 800 children within the first full fiscal year. Once all cases are referred by the State of Washington, we anticipate having over 1,600 cases.

Service Area

The Tulalip Reservation

The service area includes Tulalip tribal members and their children, wherever they reside, Tulalip reservation and/or Snohomish County

TCSP LEGISLATION, CODES, POLICIES AND PROCEDURES (45 CFR 309.90)

The TCSP is charged by the Tulalip Board of Directors to do the following for persons within the jurisdiction of the Tulalip Tribal Court:

1. Establish Paternity for any child up to and including 18 years of age;
2. Establish and modify child support obligations;
3. Enforce child support obligations with both tribal and non-tribal employers;
4. Locate custodial and non-custodial parents;

Each of these activities is governed by the Tulalip Paternity and Child Support Code (TTO86), The Tulalip Law and Order Code (TTO 49), the Tulalip Child Support Guidelines, the Federal Full Faith and Credit Act on Child Support Act, and by federal regulations governing tribal child support. All staff members are required to be familiar with these documents.

45 CFR § 309.65 (a) – Fourteen (14) Requirements for Tribal Comprehensive Plans

“(a) A Tribe or Tribal organizations demonstrates capacity to operate a Tribal IV-D program meeting the objectives of the title VI-D of the Act and these regulations by submission of a Tribal IV-D plan which contains the required elements listed in paragraphs (a)(1) through (14) of this section:

- (1) A description of the population subject to the jurisdiction of the Tribal court or administrative agency for child support purposes 309.70;
- (2) Evidence that the tribe or Tribal organization has in place procedures for accepting all applications for IV-D services and promptly providing IV-D services required by law and regulations;
- (3) Assurances that the due process rights of the individuals involved will be protected in all activities of the Tribal IV-D program, including establishment of paternity, and establishment, modification, and enforcement of support orders;
- (4) Administrative and management procedures 309.75];
- (5) Safeguarding procedures 309.80];
- (6) Assurances that the Tribe or Tribal organization will maintain records as specified 309.85];
- (7) Copies of all applicable Tribal laws and regulations 309.90];
- (8) Procedures for the location of noncustodial parents [309.95];
- (9) Procedures for the establishment of paternity [309.100];
- (10) Guidelines for the establishment and modification of child support obligations [309.105];
- (11) Procedures for income withholding 309.110];
- (12) Procedures for the distribution of child support collections [309.115];
- (13) Procedures for intergovernmental case processing [309.120; and

Tribally-determined performance targets for paternity establishment, support order establishment, amount of current support to be collected, amount of past due support to be collected, and any other performance measures a Tribe or Tribal organization may want to submit (citations to other portions of 45 CFR 309 have been edited for ease of reading the fourteen (14) requirements).”

Procedural Revisions

TCSP policies and procedures are subject to revision for continued compliance with Tulalip law and with the federal regulations regarding Tribal Title IV-D programs. The Board of Directors will approve changes to the procedures that are directly related to policy decisions in order to ensure continual compliance with federal regulations. The procedures that govern the internal operations of the TCSP office staff will be amended and approved by the program Director as necessary.

CHAPTER ONE: TULALIP NATION'S HISTORY, POPULATION, AND JURISDICTION (45 CFR 309.65 (a) (1))

Tulalip History

The Tulalip Tribes is a federally recognized Indian Tribe located on the Tulalip Reservation in the mid-Puget Sound area of Washington State. The Tulalip Reservation exterior boundaries enclose a land-base of 22,000 acres, over 50% of which is in federal trust status. The Tulalip Reservation was established by the Point Elliott Treaty of January 22, 1855 and enlarged by Executive Order of December 23, 1873, to provide a permanent home for the Snohomish, Snoqualmie, Skagit, Suiattle, Samish, and Stillaguamish Tribes and allied bands living in the region. The Tulalip Tribes was organized under the Indian Reorganization Act of 1934.

The Tulalip Tribes' Constitution and Bylaws were approved January 24, 1936, and a Charter ratified October 3, 1936. Historically, the Tulalip Tribes relied heavily on aquaculture related industries, particularly salmon, as a means of self-sufficiency and growth. A decline in aquaculture industries during the past decade has led to the Tulalip Tribes' cultivation of alternate sources of income. The Tulalip Tribes has recently enjoyed an increase in prosperity due to the opening of a casino and business park on tribal lands. This economic development helped create more jobs for tribal members and has provided an increase in tribal resources.

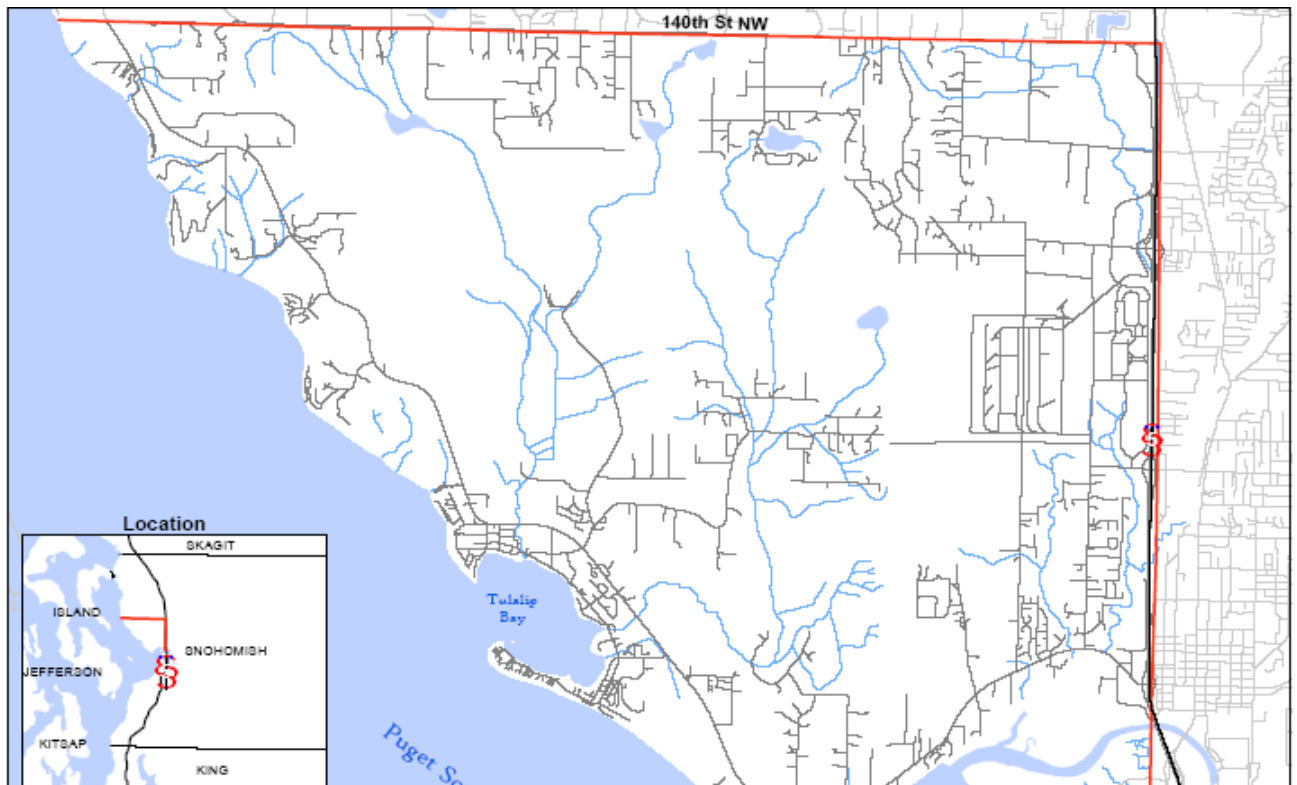
Population: Tulalip Membership

The Tulalip Tribes of Washington has 3898 enrolled members, approximately 2515 of whom reside within the boundaries of the Tulalip Indian Reservation. Of the 2515 members who live on the reservation, 1660 are children under the age of eighteen (18). The Tulalip Tribes therefore certifies that there are at least one hundred children under the age of majority in the population subject to the jurisdiction of the Tulalip Tribes.

Jurisdiction

TCSP operates under applicable Tulalip law, or federal codes, statutes, regulations and/or policies specific to a tribal Title IV-D agency TCSP hearings are under the jurisdiction of the Tulalip Court located in Tulalip, Washington at 6103 31st Avenue Northeast.

Map of Tulalip Tribal Jurisdictions in Washington



CHAPTER TWO: TULALIP CHILD SUPPORT PROGRAM CHILD SUPPORT GUIDELINES AND CHILD SUPPORT SCHEDULE

Tulalip Child Support Guidelines (45 CFR 309.65 (a) (10))

The TCSP will work to establish, modify, and enforce child support for all cases in the jurisdiction of the Tulalip Tribal Court and in any case that is appropriately referred from a foreign jurisdiction. All child support obligations will be based on the Child Support guidelines unless there is a finding by the court that the application of these guidelines would be unjust or inappropriate in a particular case, or that deviation is in the best interest of the child(ren). (86.6.20)

Child Support Guidelines Review

The TCSP establishes the child support guidelines for approval and adoption by the Tulalip Board of Directors. The guidelines are reviewed at a minimum of every four years. The TCSP Director will prepare the guidelines for review and adoption by the Tulalip Board of Directors by analyzing the following:

1. The median income in Snohomish County in comparison to the median income on the reservation;
2. A survey of tribal employers wage and salary scales including education and job requirement;
3. The USDA information on the costs of raising a child;
4. The Washington State Child Support Guidelines;
5. Tribal Services that are available for families which effect parental financial obligations;
6. Federal census data;
7. Any other document or study that may reveal relevant information

Establishing a New Child Support Obligation

The TCSP will only recommend a child support obligation to the court based on the Child Support Guidelines and worksheets. The Case Manager will request that each party complete a financial declaration that will be filed with the Court. In addition, the Case Manager will work to locate and verify all income and asset information of both parents prior to computing a child support obligation.

Once the financial information of both parties is complete, the Case Manager will follow the Child Support Guidelines to calculate the basic child support obligation and any additional support obligations (such as child care, health care and extraordinary expenses). The case will then be referred to the Attorney to review. If the Attorney verifies that the Case Manager's calculation is correct and based on all available facts, the Attorney may refer the case back to the Case Manager, and assist the parties in developing an agreed child support order based on the Child Support Guidelines. If the Attorney feels that it is not appropriate in a case to attempt to develop an agreed order, or if the parties are unable to reach an agreed order, the Attorney will proceed with establishing an order through the Court process (TTO 86.2).

Once an order is established, a copy will be given to the Legal Assistant who will record the order amount and begin tracking payments and distributions. The Case Manager will continue to oversee the case to ensure continued and timely collections.

Child Support Orders from the Tulalip Tribal Court are based on these guidelines under the statutory authority of sections 86.2 in the Tulalip Tribal Code. Pursuant to section 86.2.17, these guidelines are established by the Tulalip Child Support Program and adopted by the Board of Directors and are reviewed at a minimum, every four years.

The Child Support Guidelines and Schedule will be used to determine the amount that an obligor parent must pay for support of his or her child(ren) in all child support orders unless there is a finding by the court that the application of these guidelines would be unjust or inappropriate in a particular case, or that deviation is in the best interest of the child(ren) (86.6.20).

Basic Child Support Computation for cases of Primary Custody

In cases where the court has ordered Primary Custody to one parent, a basic child support obligation is determined by calculating the adjusted monthly income of the non-custodial (obligor) parent and the total number of biological or adoptive children that the obligor is responsible for. The following method is used to compute an obligation. (See Appendix B-Worksheets)

1. Determine the Monthly Gross Income (86.2.18) of the Non-custodial (obligor) parent by adding gross income from all sources including: Salaries and Wages, Treaty Income, Commissions, stipends, bonuses, dividends, severance pay, taxable per capita payments, interest, trust income, annuities, deferred compensation, capital gains, social security, benefits, workers compensation benefits, unemployment insurance benefits, disability insurance benefits, gifts, gaming winnings, prizes, spousal maintenance, periodic payments for pension, retirement and insurance programs.
 - a. Exclude income from public assistance programs such as TANF, supplemental security income, food stamps or other federally exempted programs.
 - b. For self employment income, gross income should be determined by gross receipts minus ordinary and necessary business expenses.
 - c. Average any seasonal, overtime, or any other fluctuating income by getting a yearly amount and dividing it by 12 to determine a Monthly Gross Income.
 - d. Only the taxable per capita income of the non-custodial parent is considered in determining gross income. Children's per capita, bonus per capita or Tribal disability may never be considered in the calculation of a child support obligation.
 - e. When the income from a full-time job is consistent with income during the marriage, income earned as the result of overtime hours or a second job may be disregarded.
 - f. Other Tribal benefits, such as tribal disability payments may be included at the Courts discretion.
 - g. If the Obligor is unemployed or is working below full earning capacity, the court may determine the full gross income earning capacity by averaging part-time work into full-time work or by imputing income or determining obligors' full working income, based on prior history.
 - h. If there is no reliable evidence concerning a parent's income, the court may impute an obligor's gross income based on the tribal government's minimum wage as defined in the most current Tulalip Tribes of Washington Wage Allocation Plan for all new hires
2. Subtract deductions to determine the obligor's adjusted gross income (86.2.18). Deductions include: federal income taxes; tribal, state or local income taxes; FICA; health insurance premiums paid by the obligor for the benefit of the child if additional health coverage beyond Contract Health Services is ordered by the court; state industrial insurance premiums; mandatory union and professional dues; mandatory pension plan payments; reasonable payments of preexisting debt that was jointly acquired by the obligor and obligee. These expenses can include a forecasted downward adjustment for the anticipated reduction or elimination of the debt.
3. If the obligor has multiple child support orders, the obligor or obligee may petition the court to modify the order to reflect all obligors' children with child support orders.
4. Determine the basic support obligation by calculating the following percentages to the number of children affected by the order is for. The minimum child support order per child is \$25.00 per month.
 - a. One child 15%
 - b. Two children 20%
 - c. Three children 25%
 - d. Four children 30%
 - e. Five children 35%
 - f. If NCP has 6 or more children, the percentage remains at 35% divided by the number of children. The attached schedule only shows up to 5 children.
 - i. For example, if the NCP has a net monthly income of \$2,150 the total child support obligation is \$179 per child. If the NCP has one child living in their home

and the other two living with the CP, the CP would receive \$358 per month (\$179x2).

Basic Child Support Computation for cases of Shared Custody

In cases where the court has ordered shared custody, meaning that the parties have equal time with the child, there will be no order for Basic Child Support. There may, however, still be a child support order that address additional child support obligations such as day care, health care and other extraordinary expenses. If there is a large discrepancy between incomes, the Court may make a determination on a need for basic child support.

Relative Placement/ Guardianship

1. If child(ren) are in court ordered relative placement/ foster care and the court determines that they are working with beda?chelh to re-unite, a ZERO order for child support may be established.
2. If child(ren) are placed in guardianship or long-term court ordered care, a child support order will be established based on TCSP guidelines and schedule for each parent.

Additional Child Support Obligations

Day care, health care and extraordinary expenses: Day care, and special child rearing expenses, such as tuition and long distance transportation costs to and from the parents for visitation purposes, are not included in the basic child support obligation and may be ordered. If the court determines that any of these expenses exists, the costs will be shared by the parents in the same proportion as the division of gross income. The child support obligation will then increase by the percentage of the obligor parent's portion of the expenses up to a maximum of 35% of gross income. These expenses may be shared by the parents in the same proportion as the basic child support obligation or one parent may be required to make such payments.

Additional Health Care Expenses: Basic health care expenses are presumed to be covered by Contract Health Services, unless parties prove otherwise. The court may order additional health care if it is the best interest of the child.

Non-Cash Child Support Payments

Child Support orders that allow non-cash payments include a specific dollar amount of the support obligation and the exact types and amounts of non-cash goods that can satisfy that amount. Acceptable Non-cash goods may include, but are not limited to, fish, game, firewood, clothing, services, and/or other basic needs that will assist in the support of the child(ren). Non-cash payments cannot be used to satisfy arrears. In the event that an obligor is delinquent by a month on a non-cash payment, the obligation becomes due as a cash arrears payment.

Income Verification

Both the obligor and obligee must make a complete financial disclosure and file it with the court. Additionally, Tax returns for the preceding two years and current pay stubs shall be provided to verify income and deductions. Other sufficient verification shall be required for income and expenses, which do not appear on tax returns or pay stubs.

Presumption of Substantial Hardship

When an obligor's income falls at or below 150% of the federal poverty level and is not ordered to be imputed, a support payment order no less than twenty-five dollars per child per month may be entered unless the obligor parent establishes that it would be unjust or inappropriate to do so in that particular case.

Deviations from the Child Support Guidelines

The Court may order child support in an amount different from that which is provided in these Guidelines, only if all the following five criteria are met:

1. The party requesting deviation shows by a preponderance of the evidence that application of the guidelines is inappropriate, unjust, or causes substantial hardship in the particular case;
2. Deviation is in the best interest of the child;
3. The court enters written findings of the reasons justifying deviation under this subsection; and;
4. The court sets out in its order what the monthly support obligation would have been under the schedule without the deviation and what the Court is ordering as the monthly support obligation with the deviation.
5. By Agreement of Parties: The Court may deviate from these Guidelines based upon an agreement of the parties only if all of the following criteria are met:
 1. The agreement is in writing,
 2. All parties have signed the agreement with the knowledge of the amount of support that would have been ordered by the Guidelines.
 3. All parties have signed the agreement free of duress and coercion, and
 4. The Court makes written findings as required for deviation.

Allocation of tax exemptions

The court may award the tax exemption or exemptions and order a party to sign the federal income tax dependency exemption waiver. The court may alternate the exemptions between the parties.

Child Support Order Modification

When there has been a substantial change in the income of the paying party or other factors that determined the original support obligation, a party may request, by motion, modification of a Tulalip Court child support order. Grounds for modification of a child support order include:

1. A substantial (15% increase or decrease) in the gross income that was the basis of the current support order;
2. A change in custody of a child;
3. A change in the Tulalip Child Support Guidelines and Schedule; or
4. Other substantial change in circumstance that justifies a modification.

TTO Section 86.2.15, Modification of Child Support Orders, shall not be interpreted to allow the retroactive modification of Child Support orders. Section 86.2.15 shall be interpreted in accordance with and all modifications, and shall conform to the Full Faith and Credit for Child Support Orders Act.

The court has the right to forgive arrears owed to the Tribe, if deemed appropriate.

Child Support Arrears

In the event that there is child support arrears in a case, an additional 20% of current order should be ordered to be applied toward the liquidation of any overdue support.

Income Withholding Requirements

All child support orders must provide for income withholding as necessary to comply with the order. Income will not be subject to withholding in any case where the court finds that there is good cause not to require the withholding or where there is a signed agreement between the parties that provides for an alternative arrangement that is entered into the Court's record.

Per Capita

The obligor parent can voluntarily choose to have per capita payments garnished to satisfy any child support obligation. However, if the Obligor Parent has not paid child support payments in 3 or more consecutive months and has \$1,000 or more in arrears owed to the custodial parent, up to 50% of per capita will be automatically garnished, not to exceed the amount owed directly to custodial parent. Per capita garnishments will not be used to satisfy child support debts owed to a state or tribal debt for child support.

Tulalip Child Support Schedule

	Number of Children								
	1	2	Per Child	3	Per Child	4	Per Child	5	Per child
Adjusted Gross Income	15%	20%	20%	25%	25%	30%	30%	35%	35%
850-899	128	170	85	213	71	255	64	298	60
900-949	135	180	90	225	75	270	68	315	63
950-999	143	190	95	238	79	285	71	333	67
1000-1049	150	200	100	250	83	300	75	350	70
1050-1099	158	210	105	263	88	315	79	368	74
1100-1149	165	220	110	275	92	330	83	385	77
1150-1199	173	230	115	288	96	345	86	403	81
1200-1249	180	240	120	300	100	360	90	420	84
1250-1299	188	250	125	313	104	375	94	438	88
1300-1349	195	260	130	325	108	390	98	455	91
1350-1399	203	270	135	338	113	405	101	473	95
1400-1449	210	280	140	350	117	420	105	490	98
1450-1499	218	290	145	363	121	435	109	508	102
1500-1549	225	300	150	375	125	450	113	525	105
1550-1599	233	310	155	388	129	465	116	543	109
1600-1649	240	320	160	400	133	480	120	560	112
1650-1699	248	330	165	413	138	495	124	578	116
1700-1749	255	340	170	425	142	510	128	595	119
1750-1799	263	350	175	438	146	525	131	613	123
1800-1849	270	360	180	450	150	540	135	630	126
1850-1899	278	370	185	463	154	555	139	648	130
1900-1949	285	380	190	475	158	570	143	665	133
1950-1999	293	390	195	488	163	585	146	683	137
2000-2049	300	400	200	500	167	600	150	700	140
2050-2099	308	410	205	513	171	615	154	718	144
2100-2149	315	420	210	525	175	630	158	735	147
2150-2199	323	430	215	538	179	645	161	753	151
2200-2249	330	440	220	550	183	660	165	770	154
2250-2299	338	450	225	563	188	675	169	788	158
2300-2349	345	460	230	575	192	690	173	805	161
2350-2399	353	470	235	588	196	705	176	823	165
2400-2449	360	480	240	600	200	720	180	840	168
2450-2499	368	490	245	613	204	735	184	858	172
2500-2549	375	500	250	625	208	750	188	875	175
2550-2599	383	510	255	638	213	765	191	893	179
2600-2649	390	520	260	650	217	780	195	910	182

	Number of Children								
	1	2	Per Child	3	Per Child	4	Per Child	5	Per Child
Adjusted Gross Income	15%	20%	20%	25%	25%	30%	30%	35%	35%
2650-2699	398	530	265	663	221	795	199	928	186
2700-2749	405	540	270	675	225	810	203	945	189
2750-2799	413	550	275	688	229	825	206	963	193
2800-2849	420	560	280	700	233	840	210	980	196
2850-2899	428	570	285	713	238	855	214	998	200
2900-2949	435	580	290	725	242	870	218	1015	203
2950-2999	443	590	295	738	246	885	221	1033	207
3000-3049	450	600	300	750	250	900	225	1050	210
3050-3099	458	610	305	763	254	915	229	1068	214
3100-3149	465	620	310	775	258	930	233	1085	217
3150-3199	473	630	315	788	263	945	236	1103	221
3200-3249	480	640	320	800	267	960	240	1120	224
3250-3299	488	650	325	813	271	975	244	1138	228
3300-3349	495	660	330	825	275	990	248	1155	231
3350-3399	503	670	335	838	279	1005	251	1173	235
3400-3449	510	680	340	850	283	1020	255	1190	238
3450-3499	518	690	345	863	288	1035	259	1208	242
3500-3549	525	700	350	875	292	1050	263	1225	245
3550-3599	533	710	355	888	296	1065	266	1243	249
3600-3649	540	720	360	900	300	1080	270	1260	252
3650-3699	548	730	365	913	304	1095	274	1278	256
3700-3749	555	740	370	925	308	1110	278	1295	259
3750-3799	563	750	375	938	313	1125	281	1313	263
3800-3849	570	760	380	950	317	1140	285	1330	266
3850-3899	578	770	385	963	321	1155	289	1348	270
3900-3949	585	780	390	975	325	1170	293	1365	273
3950-3999	593	790	395	988	329	1185	296	1383	277
4000-4049	600	800	400	1000	333	1200	300	1400	280
4050-4099	608	810	405	1013	338	1215	304	1418	284
4100-4149	615	820	410	1025	342	1230	308	1435	287
4150-4199	623	830	415	1038	346	1245	311	1453	291
4200-4249	630	840	420	1050	350	1260	315	1470	294
4250-4299	638	850	425	1063	354	1275	319	1488	298
4300-4349	645	860	430	1075	358	1290	323	1505	301
4350-4399	653	870	435	1088	363	1305	326	1523	305
4400-4449	660	880	440	1100	367	1320	330	1540	308
4450-4499	668	890	445	1113	371	1335	334	1558	312

	Number of Children								
	1	2	Per Child	3	Per Child	4	Per Child	5	Per Child
Adjusted Gross Income	15%	20%	20%	25%	25%	30%	30%	35%	35%
4500-4549	675	900	450	1125	375	1350	338	1575	315
4550-4599	683	910	455	1138	379	1365	341	1593	319
4600-4649	690	920	460	1150	383	1380	345	1610	322
4650-4699	698	930	465	1163	388	1395	349	1628	326
4700-4749	705	940	470	1175	392	1410	353	1645	329
4750-4799	713	950	475	1188	396	1425	356	1663	333
4800-4849	720	960	480	1200	400	1440	360	1680	336
4850-4899	728	970	485	1213	404	1455	364	1698	340
4900-4949	735	980	490	1225	408	1470	368	1715	343
4950-4999	743	990	495	1238	413	1485	371	1733	347
5000	750	1000	500	1250	417	1500	375	1750	350

CHAPTER THREE: TCSP APPLICATION PROCEDURE (45 CFR 309.65 (a) (2))

TCSP will accept all child support applications. Applications are available at the Child Support Office during business hours, and can be requested via telephone. Telephonically requested applications will be mailed within one business day. TCSP also accepts cases that are appropriately referred from another IV-D agency. Once a complete referral is received the TCSP processes the case and promptly begins providing services in the same manner as a new application.

TCSP will process applicant's cases that are under the jurisdiction of the Tulalip Tribal Court or for cases where an obligor works for a tribal employer. Cases that do not meet the jurisdictional guidelines will be referred to the appropriate child support collection agency.

Case Referrals

Once a completed application or referral is received, the Intake Specialist will assure that all necessary documents are received. Case files will not be assigned to a case worker until the requesting agency or applicant has provided all necessary information to the best of their ability. Required information includes: any known contact information of all parties, including absent parents; known social security information of all parties and copies of social security cards when available; copies of the child (ren)'s birth certificate(s); copies of court orders regarding child support, paternity, or divorce actions; a copy of a paternity affidavit if applicable; and copies of any domestic violence protection orders.

In the event that an application or referral is found to be incomplete; the applicant or case worker from the referring jurisdiction will be contacted immediately. Complete applications are made into a file which is immediately assigned to a Case Manager. Case Managers will identify the next appropriate child support action and begin working the case within three days of assignment.

Receipt of New Cases

Upon receipt of a new case, the case manager will first research and verify all information on the case to ensure the accuracy of the next actions. The following process will be followed:

1. Research the SEMSWEB for existing cases, arrears and administrative or judicial orders outside of the Tulalip Tribal Court.
2. Cross reference client's name and/or social security number with Tulalip Tribal enrollment.
3. Verify the location and tribal affiliation of all parties and employer of the non-custodial parent if paternity has already been established.
4. Research and request documents from the Tulalip Tribal Court, County Court and/or the Washington State Child Support Program to determine the legal status of the case.
5. If the case requires paternity establishment, schedule an appointment to have the natural mother complete a paternity questionnaire.

After all information is gathered and verified, the case manager will begin working the case. Case Managers will diligently work on all cases until such a time that it is determined that case closure is appropriate.

Case Closure

The Tulalip Child Support Program will follow Federal case closure guidelines as outlined in 45 CFR 303.11. All closed files will be maintained for three (3) years. The guidelines for case closure are as follows:

1. In order to be eligible for closure, the case must meet at least one of the following criteria:
 - (a) In the case of a child who has reached the age of majority, there is no longer a current support order and arrearages are under \$500 or unenforceable under State and / or Tribal law;
 - (b) In the case of a child who has not reached the age of majority, there is no longer a current support order and arrearages are under \$500 or unenforceable under State and/or Tribal law;
 - (c) The absent parent or putative father is deceased and no further action, including a levy against the estate, can be taken;
 - (d) Paternity cannot be established by Tulalip Child Support:
 - i. The child is at least 18 years old
 - ii. A genetic test or a court or administrative process has excluded the putative father and no other putative father can be identified; or
 - iii. In accordance with 303.5(b) of this part, the IV –D agency has determined that it would not be in the best interest of the child to establish paternity in a case involving incest, forcible rape, or in any case where legal proceedings for adoption are pending;
 - iv. The absent parent's location is unknown, and the State and/or Tribe has made regular attempts using multiple sources to locate the absent parent over a three-year period, all of which have been unsuccessful;
 - (e) The absent parent cannot pay support for the duration of the child's minority because the parent has been institutionalized in a psychiatric facility, is incarcerated with no chance for parole, or has a medically-verified total and permanent disability with no evidence of support potential. The Tribe must also determine that no income or assets are available to the absent parent which could be levied or attached for support;
 - (f) The absent parent is a citizen of, and lives in, a foreign country, does not work for the Federal government or a company with headquarters or offices in the United States, and has no reachable domestic income or assets; and the Tribe has been unable to establish reciprocity with the country;
 - (g) The IV – D agency has provided location-only services from a requesting IV-D agency, and services are complete.
 - (h) The non-AFDC custodial parent requests closure of a case and there is no assignment of medical support under 42 CFR 433.146 or of arrearages which accrued under a support order;
 - (i) There has been a finding of good cause as set forth at 302.31(c) and either 232.40 through 232.49 of this chapter or 42 CFR 433.147 and any appropriate IV – A, IV – E, or Medicaid agency has determined that support enforcement may not proceed without risk of harm to the child or caretaker relative;

(j.) In a non-AFDC case receiving services under 302.33(a)(1) (i) or (iii), the IV – D agency is unable to contact the custodial parent within a 90 calendar day period despite attempts by both phone and at least one certified letter; or

(k) In a non-AFDC case receiving services under 302.33(a)(1) (i) or (iii), the IV – D agency documents the circumstances of the custodial parent's noncooperation and an action by the custodial parent is essential for the next step in providing IV – D services.

In cases meeting the criteria in paragraphs (1) (a) through (g) and (j) and (k) of this section, the State must notify the custodial parent in writing 60 calendar days prior to closure of the case of the State's intent to close the case. The case must be kept open if the custodial parent responds to the notice with information that could lead to the establishment of paternity, a support order, or enforcement of an order or, in the instance of paragraph (a) and (j) of this section. If the case is closed, the custodial parent may request at a later date that the case be reopened if there is a change in circumstances which could lead to the establishment of paternity or a support order or enforcement of an order.

Case closure can only be performed with the approval of the Director or designee. Case Managers identify cases for closure by using the case closure guidelines described above. Once approved, the Case Manager will send a letter to notify the custodial parent. The case will be referred to the Finance Specialist to close out all debts. Closed case files will be kept for three years and can be re-opened if the custodial parent brings forward a change in circumstance which may lead to new action on a case.

When a case has been closed, the Case Manager and/or the Attorney will immediately terminate any income withholding or other enforcement actions.

CHAPTER FOUR: TCSP DUE PROCESS OF LAW (45 CFR 309.65 (a) (3))

Child Support Actions will be heard in the Tulalip Tribal Court. The Tulalip Tribal ordinances protect the due process rights of all litigants in the Tribal Court, including all ordinances regarding child support enforcement actions; establishment of paternity, and the establishment, modification, and enforcement of child support orders.

Furthermore, due process rights of all individuals involved in TCSP cases will be protected in TCSP services. TCSP shall follow rules and laws concerning due process as defined in the Tulalip constitution, jurisprudence, codes and regulations, and any applicable federal due process requirements (i.e. the Indian Civil Rights Act).

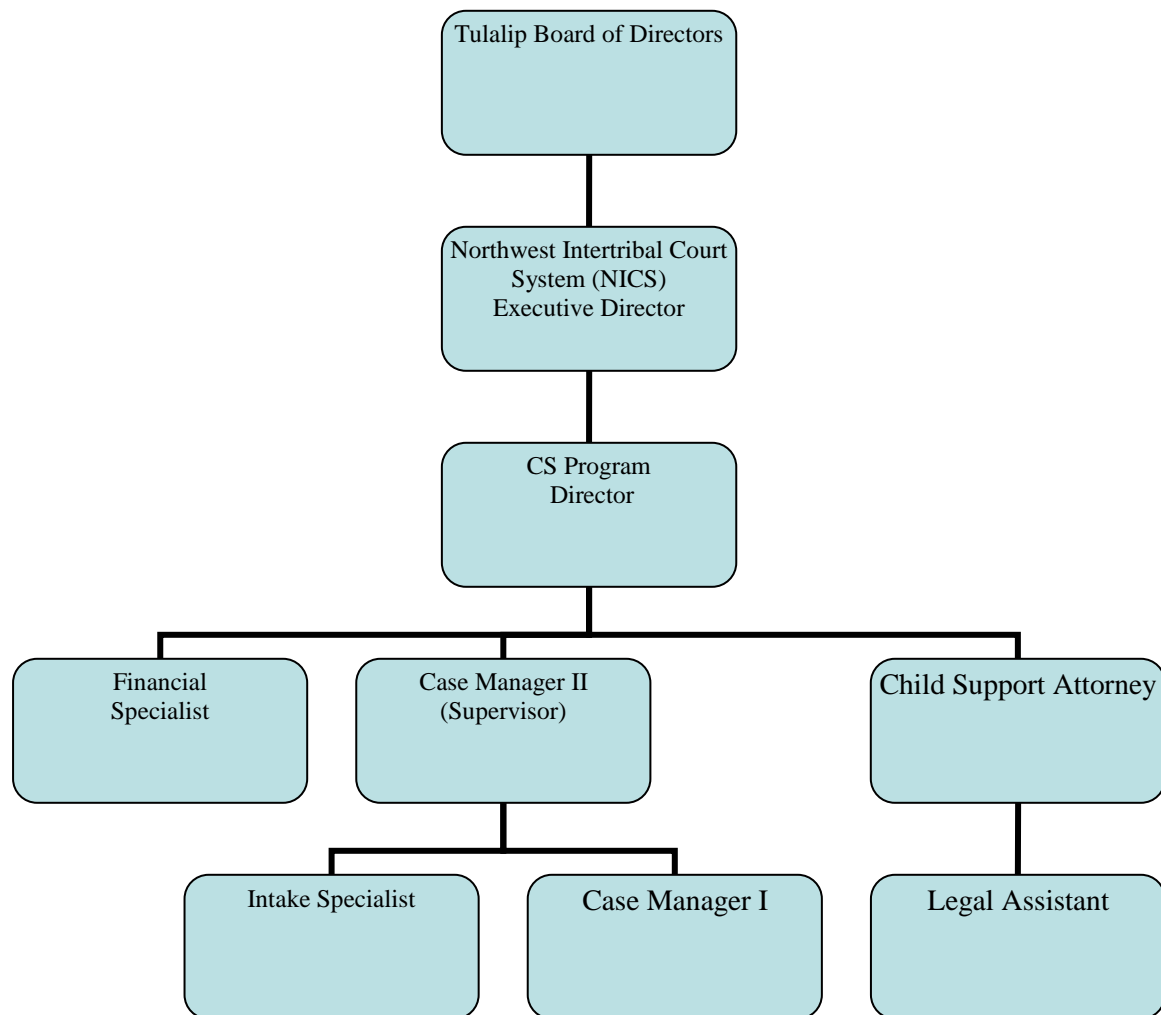
Process Service

The TCSP will serve legal paperwork as provided under Tulalip law. All legal service will be made in accordance with the requirements set out in specific sections of TTO 86 and TTO 49.

CHAPTER FIVE: TCSP ADMINISTRATIVE AND MANAGEMENT PROCEDURES (45 CFR 309.75)

TCSP is a department within the Executive Branch of the Tulalip government. The TCSP Director reports directly to the Executive Director of NICS, who in turn reports directly to the Tulalip Board of Directors. All new hires, promotions, and transfers of an employee will be subject to the NICS Personnel Policy.

TCSP Organizational Chart



Departmental Chain-of-Command

Every employee has the responsibility to follow the chain-of-command in the matter of a program suggestion, complaint, or dispute. The chain-of-command process is as follows:

1. First try to respectfully discuss and solve the issue with the individual(s) involved.
2. If the matter cannot be resolved at that level, discuss the issue with the immediate supervisor.
3. If there is still no resolve to the issue, the employee must notify the supervisor that they wish to take the issue further up the chain-of-command, unless the issue directly relates to the supervisor.
4. If the issue is not or cannot be resolved with the immediate supervisor, the employee may seek aid resolving the issue from the department director and so on until the issue reaches the NICS Director.
5. The NICS Director has the final say in the resolve of any employee suggestion, complaint, or dispute.

Every employee has the right to continue the chain-of-command process. At no time is a supervisor to discourage someone from appropriately using the chain-of-command.

Signature Authority

The Child Support Director has signature authority for all operational matters of the child support office, including all client communications. However, the Director will give signature authority, based on job responsibility, by written delegation of authority to staff as appropriate.

All official communications to the federal government or the funding agency, written on the behalf of the Tulalip Tribes or the TCSP, must come from the Tulalip Board of Directors and include the signature Board's designee. The Board of Directors can delegate this signature authority to the TCSP Director.

Customer Complaint Procedures

The TCSP shall post a notice of its complaint procedure, in clear view, in the lobby and/or office of the child support agency.

Child support case managers should always take the initiative in resolving customer's complaints. However, in circumstances when resolution by the Case Manager is not successful, or when the complaint is directly related to the Case Manager, a Customer Complaint Form will be made available to the customer upon request (see Appendix A-Forms). Complaint forms must be completed by the customer and must be accompanied by a detailed description of the situation for which the complaint is being made.

Submitted complaint forms should be directly routed to the Director, except in circumstances that the complaint is directly related to the Director. In those instances, the form should be routed to the NICS Executive Director

Within ten (10) days of receipt of a completed Customer Complaint Form, including a detailed description, the CS Director or NICS Executive Director will review the circumstances of the complaint and make a written determination. The written results will be mailed to the complainant within five (5) days of the determination. If a complaint has been validated, corrective action will be taken to resolve the situation expediently.

Records of customer complaints will be maintained by the CS Director and/or the NICS Executive Director and located in his/her office. Copies of complaint forms may also be located in employee personnel files if the complaint resulted in employee corrective action. Complaints will be reviewed

annually to identify chronic or systematic problems. If and when such problems are identified, TCSP will implement measures of corrective action in an effort to enhance customer service. All records shall be maintained for a minimum of three (3) years.

Fees charged and collected

There are no fees charged for child support services. The program may occasionally charge a fee for providing genetic testing at the request of the Court, the Enrollment Office, or by a parent disputing paternity findings. In those circumstances the program will bill the appropriate office or individual for the fee. Records of the billings and collections will be maintained by NICS.

Notices of Collection

The Finance Specialist is responsible for keeping up to date records of all child support debts and collections and for filing this information in the case files on a monthly basis. The Finance Manager will send out yearly statements to all current child support clients who have had financial activity on their account. These statements are itemized by month of collections.

CHAPTER SIX: TCSP INFORMATION SAFEGUARDING (45 CFR 309.80)

Confidentiality

Child support staff is given access to highly confidential information about child support clients. Disclosure of any client information that is received by the child support program is strictly limited to purposes directly connected with the administration of the tribal child support program. Specifically, client information can only be used for the purposes of establishing paternity, establishing or modifying child support orders, and collecting child support obligations.

Unauthorized use or disclosure of client information constitutes terms for immediate termination of employment and may result in any other disciplinary action allowed by NICS policy and tribal or federal law. TCSP has a department specific Non-Disclosure Statement that shall be signed by each employee, contractors and subcontractors (see Appendix A—Forms).

TCSP employees should adhere to following guidelines to ensure client confidentiality:

1. Only share information when it is specifically related to the process of establishing paternity, or establishing, enforcing, or modifying child support orders, locating parents or assets.
2. Use caution (volume, language, content) when discussing child support case information to other staff; and
3. Will not share any specific financial information (tax return, credit card, etc), any state or Tribal numerical identifying information (SSN, Tribal ID) and/or other information deemed protected by any law, without appropriate release or court order.

Release of Information

If a party to the case wants to authorize the release of information to someone else, the relevant party must request, complete, and submit a release of information form (see Appendix A – Forms). Only one (1) form for each party involved in the case may be accepted. Clients with multiple cases may submit a form for each case. This will be kept on file until such time it is revoked, in writing, by the appropriate party.

Even with a release form on file, staff is restricted from divulging personal information regarding other clients on a case. If the client has authorized a representative to obtain information or documents, only case specific information regarding the child support case for which the release applies may be given.

In circumstances where another, non-IV-D agency is requesting information about a case or the parties in the case, employees must receive a signed Release of Information (see Appendix A—Forms) form before divulging any information. Releases of Information are valid for a specific period of time (i.e., 30 days, 90 days, 1 year from date of signing). Employees must check expiration dates on forms already on file before discussing a case. Only information relevant to the requesting agency will be released.

Personal Computer (PC) Safeguards

TCSP shall comply with the Tulalip Data Services (TDS) Network and Usage Policy.

Confidentiality in Domestic Violence (DV) Cases

The TCSP recognizes the need to protect victims and children of domestic violence and encourages collaborative effort with DV programs and other tribal agencies to ensure their safety.

Any client who seeks TCSP services will be required to complete a section on Domestic Violence in the application and a Domestic Violence Risk Assessment form. These forms will be utilized as the department's tools for determining the level of danger, if any, to the client.

Upon receipt of these assessment forms, the appropriate case manager will review the information and determine the level of harm, if any, that might be posed to the client if Child Support services are pursued.

If there is a protection order in place, a copy of the order is requested from the custodial parent or the issuing court and a copy of that order will be kept in the file. In cases where there is no protection order in place, but TCSP staff suspect domestic violence is an issue that will pose potential danger to a child or parent if child support services are pursued, the case will be sent to the Director for further review.

If it is determined that there is a protection order in place and/or that the release of information on the whereabouts of one party or the child to the other party, the TCSP will take extra precautions to ensure that no locating information is released. These physical case files will be red in color and will be appropriately tagged in the automated system to ensure that addresses are blocked on services and other mailing documents. This system will alert all staff members to proceed with extra discretion in the case. Clients will also be referred to the local DV program for guidance and support.

CHAPTER SEVEN: TCSP INFORMATION AND RECORDS MAINTENANCE AND RETENTION (45 CFR 309.85)

All hard copy records are maintained for a minimum of three years in accordance with 45 CFR 74.53. These records will include but are not limited to:

Applications for child support services

Applications are generally kept in client files, however, applications that were received that did not result in an open case, such as incomplete applications, will be kept for a minimum of three years.

Child Support Files

Child Support files include the following information:

1. Application or Referral for Child Support Services
2. Copies of applicable documents such as, Tribal ID's, child's birth certificate, social security cards, court orders regarding child support, divorce or paternity, paternity affidavit, domestic violence protective orders.
3. Efforts to locate non-custodial parents, including but not limited to copies of address verification, location service use, correspondence with past employers, returned service, and phone call records. Case notes that document all activity and communication on the case.
4. Other documentation, in addition to case notes, of any action taken to establish paternity and obtain and enforce child support, including copies of all legal proceedings, process of service, collection notices, and employer correspondence.
5. Documentation of dates and sources of child support payments, distributions, and debts, including copies of receipts, child support distribution checks, and monthly Notices of Collections.

IV-D Program Expenditures

All information on program expenditures will be kept by NICS. Program Expenditures are documented on the Fundware Accounting System and all backup financial information is kept by the NICS Bookkeeper. Program expenditures are approved by either the TCSP Director, or the NICS Director. Monthly expenditure reports are sent by NICS to the Tulalip Grants Office to prepare federal and other agency reporting. Both NICS and Tulalip Tribal Government are subject to a yearly audit.

Statistical Records

All statistical records are maintained in the TCSP Child Support Office.

Fiscal and Other Records

Program Expenditure Records are maintained in the NICS Fundware System at the NICS Office. Federal grant contracts, budgets, and budget modifications records are maintained at the TCSP Office with copies also maintained at the Tulalip Grants Office. The Tulalip Grants Office will be responsible for maintaining official records for a minimum of three years.

CHAPTER EIGHT: TCSP LOCATION OF PARTIES TO A CHILD SUPPORT CASE

TCSP will make every effort to locate both custodial and non-custodial parents and their assets as part of its enforcement activities. TCSP also receives requests for locate, and conducts lawful investigations for the purpose of locating parents, alleged parents and their assets for other IV-D agencies.

TCSP shall take all necessary actions to locate parents and will use all sources available to TCSP, the Tulalip Tribes, and NICS. While there is no time frame requirement, locate actions shall be performed in a timely manner.

The Tulalip Tribe does not have access to Federal Parent Locator Service (FPLS) and will request this service from the Washington State IV-D agency as necessary. Other search methods that will be utilized are:

1. SEMSWEB is an informational tool which may be used (per an agreement with WA-CSED) to perform locate procedures both manually and automatically.
2. Community knowledge
3. Internet research
4. Phone and mail contact with clients;
5. Searches through tribal agencies;
6. Employer contact for address confirmation; and
7. Searches through Tulalip Police Department.

CHAPTER NINE: TCSP ESTABLISHMENT OF PATERNITY (45CFR 309.65 (a) (9))

The TCSP will work to legally establish paternity in the Tulalip Tribal Court under section 86.1 of the Tulalip Tribal Code. In the event that the paternity cannot be established by the Tulalip Tribal Court, the TCSP will refer the case to the appropriate IV-D agency for paternity establishment.

Establishing Paternity

When the TCSP opens a case, in which legal paternity of the minor child involved has not yet been established, the following procedure will be followed:

1. A paternity interview with the mother of the child will be conducted by the TCSP assigned case manager where the mother will complete a Paternity Questionnaire.
2. During the interview, the case manager will verify if domestic violence is an issue in the case and will update the file with copies of any protective orders. The interview will also verify if there are any reasons that the establishment of paternity would not be in the best interest of the child. The TCSP is not required to proceed with paternity establishment, if any of the following circumstances exist, including but not limited to:
 - i. The child was conceived as the result of a rape or incest;
 - ii. danger from domestic violence;
 - iii. Adoption proceedings are pending on the child. In these cases the case manager will consult with the Director to determine the appropriate course of action.
3. All identified parties in the paternity questionnaire may be required to submit to paternity testing unless good cause exists not to require such testing (86.1.13). Once paternity testing establishes the probability of paternity, the alleged father will have the opportunity to voluntarily acknowledge paternity through the development of an agreed paternity order. Parties will still be given the opportunity to submit to genetic testing.
4. In cases where the parties do not reach an agreed paternity order, the case manager will forward the case to the Child Support Attorney who will file an action with the Tulalip Tribal Court to legally establish Paternity.

Genetic Testing

Genetic Testing will only occur after a paternity interview and paternity questionnaire is complete. Only staff members who have obtained certification as a buccal swab specimen collector may administer paternity tests. Paternity testing will be performed by appointment only.

TCSP utilizes an accredited genetic testing laboratory of reputable standing. All case managers and the Intake Specialist must be certified to collect DNA samples and this collection will take place in the TCSP office. Genetic samples will be sent to the lab via overnight express courier. Results will be received back in approximately 3 weeks and the appropriate case manager will notify the parties of the test results. In cases where there test results reveal complicated factors, the case manager will consult the Director to determine the best course of action. Paternity tests results should be given in person when possible.

The TCSP will provide free genetic testing in all appropriate child support cases except in the following circumstances:

1. It can be shown that a natural mother knowingly gave false information on the identity of the alleged father that resulted in an unnecessary test.
2. In cases where a parent or alleged dispute the results of the test and retesting confirmed the original test.

In cases where an outside agency such as the Tulalip Enrollment Office requests that the TCSP perform genetic tests on a non-TCSP case, the Tulalip Enrollment Office or the individual parties must pay the costs of the tests prior to the time that the testing is performed.

CHAPTER TEN: TCSP INCOME WITHHOLDINGS, GARNISHMENTS AND EMPLOYER RESPONSIBILITY (45 CFR 309.65 (a) (11))

Child support will be withheld or garnished in accordance with TTO 49, TTO 86, and the Child Support Guidelines. The TCSP works to ensure that all cases have an income withholding in place when appropriate as the most effective means of providing consistent child support to children.

TCSP automatically requests in all orders a stipulation that allows for automatic income withholding in the event that the obligor is 45 days delinquent in child support. In cases where there is an order for arrears, the TCSP will request immediate income withholding.

In the event that a child support client feels that there is good cause not to require income withholding, the Attorney will advise the client that they should present the case to the Judge, who can enter a finding to disallow a withholding.

Parties can also enter a signed agreement which provides for an alternative arrangement for payment which will be entered in to the Court's record. However, in the event that payments become delinquent, TCSP will proceed with collection actions that may include income withholding.

Voluntary Income Withholding

A voluntary income assignment can be sufficient to meet the child support obligation calculated by the court or TCSP. The Case Manager will encourage all employed Obligor parents to voluntarily withhold their child support for automatic payment to TCSP.

Collection Actions

A. Wage Withholding: If the obligor is thirty (30) days past due, the Case Manager will send a letter requesting payment within fifteen (15) days. If no payment is made in that time frame then the following procedure will be followed:

1. The Case Manager will review the file for a stipulation and/or order allowing the TCSP to automatically withhold income to satisfy child support.
2. If there is an order or stipulation on file authorizing TCSP to garnish the NCP's wages and there is verification of the NCP's employment, the Case Manager will prepare an Order/Notice to Withhold Income for Child Support to serve on the employer.
3. If there is no order or stipulation that will allow for income withholding, the case will be referred to the Attorney to proceed with a Motion to Enforce.
4. If an obligor's employer is unknown, the Case Manager will utilize all locate actions in accordance with Chapter 8.

B. Motions to Enforce in Tribal Court: If there is no stipulation for income withholding in the court order and no other income withholding order in place, or if the income withholding order or stipulation has proven ineffective in producing child support payments; then the Case Manager will refer the case to the Attorney to proceed with a Motion to Enforce Child Support. The Child Support Attorney will adhere to the requirements in TTO 86 in moving for an enforcement remedy. The Child Support Attorney may request a variety of enforcement actions from the court including but not limited to: wage withholding; attachment of assets; garnishment; assignment of per capita; suspension of licenses; verification of income; and incarceration.

Other Enforcement Actions

Federal Collection Actions: Under new federal regulations, child support enforcement tools include various and numerous tactics to encourage delinquent NCP's to comply with court ordered obligations. If it is determined by the Child Support Director and/or Attorney that a case would benefit from utilizing Federal enforcement tools, the case manager may use a transmittal form to request that the State provide collection actions dependent on the agreement with the State. Collection actions may include the following:

1. Driver's license suspension; and/or
2. Hunting and fishing license suspension; and/or
3. Professional license suspension; and/or
4. Bank levy and/or liens; and/or
5. Credit bureau referral; and/or
6. State tax intercept; and/or
7. Federal taxes intercept

Consumer Credit Protection Act, 15 U.S.C. 1673

Income shall not be subject to withholding in any case where the total amount to be withheld exceeds the maximum amount permitted under the above-mentioned act.

1. The maximum part of the aggregate disposable earnings of any person for any work week which is subject to garnishment or income assignment for the support of a minor child shall not exceed:
 - a. Fifty percent (50%) of such person's disposable earnings for that week, if such person is supporting his spouse or a dependent child other than the child with respect to whose support such order is used; and
 - b. Sixty percent (60%) of such person's disposable earnings for that week if such person is not supporting a spouse or dependent child. The fifty percent (50%) specified in paragraph 1 of this subsection shall be deemed to be fifty-five percent (55%) and the sixty percent (60%) specified in paragraph 2 of this subsection shall be deemed to be sixty-five percent (65%), if and to the extent that such earnings are subject to garnishment or income assignment to enforce a support order with respect to a period which is prior to the twelve-week period which ends with the beginning of such workweek.

Improperly withheld Child Support

To avoid improperly collecting child support, the Case Manager will immediately terminate income withholding and any other collection action on closed cases as defined in Chapter 3.

In the event that child support is improperly withheld, the Finance Specialist will immediately refund the payment and amend the Notice of Collections to ensure proper accounting.

Employer Responsibility

Employers who fail to withhold child support as ordered are liable for the full amount that they should have withheld from the obligor's income. In the event that an employer does not comply with an order, the Case Manager will first contact the employer to attempt to resolve the situation without court action. If the Case Manager is not successful, the case will be referred to the Attorney who will proceed with legal action.

Employers may not take any discharge, refuse to employ, or take disciplinary action against an obligor parent due to a wage withholding requirement or request. Case managers should reassure clients of this fact. In the event that any staff member of the TSCP becomes aware that an employer has engaged in the above actions, they should inform the TSCP Director who can work with the Attorney to initiate legal action.

CHAPTER ELEVEN: TCSP COLLECTION AND DISTRIBUTION OF CHILD SUPPORT OBLIGATIONS (45 CFR 309.65 (a) (12))

Child Support Collection Procedures

Child Support Payments can be made in person to the TCSP Office or can be mailed to the TCSP's secured post office box. TCSP accepts cash, checks, money orders, cashier's checks or proof of non-cash payment signed by the obligee.

The Intake Specialist will provide one copy of the receipt to the payer, and one to the Case Manager, along with a copy of any check, money order or cashier's check to file and enter into the Fundware System. The last receipt remains in the receipt book. Completed receipt books are returned to the NICS Bookkeeper.

The Intake Specialist will place all payments in the safe for the Finance Specialist to deposit at the end of the day. The Finance Specialist will prepare the deposit and have the Attorney or the Legal Assistant verify and sign the deposit.

Payments made directly to a custodial parent

TCSP strongly discourages obligors from making payments directly to the other parent. The Case Manager will inform all obligor's that TCSP will continue to collection actions on child support obligations until the custodial parent verifies the payment in writing.

Child Support Distribution Procedures

TCSP distributes all child support payments in a timely manner, generally within two business days after receipt. The Legal Assistant is responsible for entering a child support obligation into the Fundware System upon the receipt, entry or modification of a child support order.

All child support payments will be made directly to the family unless there is a request for assistance on behalf of a family from another IV-D agency.

The Finance Specialist is responsible for distributing child support payments based on the following criteria:

1. All amount collected on a case must be distributed among all open cases on a percentage bases
2. Current support amounts should always be satisfied first
3. If the payment exceeds current support the remaining payment should be used to satisfy arrears owed to the custodial parent
4. If there is no debt owed to the custodial or if there is any remaining payment it will be used to satisfy any arrears owed to the State.
5. In the event that there is an overpayment of child support, the obligor will be contacted by the Case Manager and given the choice of a refund or a credit. The case manager will inform the Finance Manager of the outcome.

Tribal TANF

Custodial Parents who are currently receiving tribal TANF will not be required to assign their child support rights to the Tribe. The Tribal TANF program will count child support payments received as income in determining the amount of a TANF award. TANF recipients must sign a release of information form that allows the TCSP to provide monthly financial information upon their request. The Finance Specialist is responsible for coordinating with the Tribal TANF office and providing them with timely information.

Referrals from other IV-D agencies

TCSP does not release money on full referral cases directly to a custodial parent. The Finance Specialist will pay collections on these cases directly to the referring agency. The Case Manager can contact the referring agency to determine appropriate distribution. If directed by the referring agency, the Finance Specialist will then distribute payments using the criteria above.

In the event that the referral is an arrears only referral and TCSP has a current case, the current support and family arrears will be released directly to the family while the State or Tribal arrears portion will be sent to the referring jurisdiction.

Federal Income Tax Refunds

Any collections received that are based on a Federal income tax refund offset will be used to satisfy arrears.

Returned Child Support Payments

Child support payments may sometimes be returned to the TCSP. The Case Manager will immediately contact the custodial parent in these cases to obtain a current address. In the event that a current address cannot easily be obtained, the Case Manager will initiate a locate process.

CHAPTER TWELVE: TCSP INTERGOVERNMENTAL CASES – STATES AND OTHER TRIBES (45 CFR 309.65 (a) (13))

TCSP will operate under all applicable Tulalip, state, and/or federal codes, statutes, regulations and/or policies specific to a tribal Title IV-D agency, as well as the TCSP and NICS policies and procedures.

State Orders

State orders, meeting the respective tribal service criteria, will be transferred into the Tulalip Tribal Court and will become a tribal order. Tribal court jurisdiction pertaining to tribal child support services are as follows:

1. Tulalip Court: The court has jurisdiction in accordance with the Tulalip Constitution, TTO 86, and TTO 49.
2. Inter-jurisdictional cases: If a case is referred to the TCSP from another jurisdiction, the TCSP shall assist in providing services under the Full Faith and Credit for Child Support Orders Act (USC 173B); however, the Court may have the authority to review the foreign court order for proper jurisdiction.
3. The tribal child support program will extend the full range of child support services to respond to all requests from outside jurisdictions.
4. If a NCP is living in another jurisdiction, the Case Manager may request assistance from another IV-D agency through a transmittal form.

All U.S. states are regulated by Uniform Reciprocal Enforcement of Support (URESA) enacted in 1950 and/or Uniform Interstate Family Support Act (UIFSA) enacted in 1996 to supersede URESA to improve child support services across all boundaries.

Currently, numerous countries adhere to UIFSA through agreements with the United States. However, tribes follow the legislation of Full Faith and Credit for Child Support Orders Act (FFCCSOA) enacted in 1994. The UIFSA legislation is not applicable to tribes.

State orders that meet the respective tribal service criteria can be registered and enforced in the Tulalip Court.

Procedure for Recognition of Foreign Case Referrals

1. Employee of the Tribe: The Tulalip Child Support Program will provide collections on child support orders referred to the tribe by a foreign jurisdiction for tribal employees who are not otherwise in the jurisdiction of the Tulalip Tribal Court. The child support program may request FF&C on the order to assist with collection remedies if necessary. If the individual leaves the Tulalip Tribes employment, the case will be returned to a tribal or state agency.
2. Request for Referral to State: Non-Indian CPs who does not want their case serviced by TCSP may request their case be referred to the state office. However, the state may request that TCSP perform child support services on the case through the referral process if the tribal program has the ability to locate or collect support on the case.

APPENDIX A

Non-Disclosure Agreement

This non-disclosure (confidentiality) agreement is entered into by the Tulalip Child Support Program (TCSP) and the Tulalip Child Support Program employee. This agreement is effective from the date of signature and shall govern conduct of the TCSP employee during work hours and outside of work hours.

1. By signing this agreement, I understand the importance of maintaining confidential information and I recognize the legal consequences for failing to adhere to the guidelines set forth in this agreement.

2. Confidentiality means that I shall not discuss, divulge, disseminate, or communicate any identifying information of the parties in a child support case. Identifying information includes but is not limited to, date of birth, social security number, or street address.

3. I understand that if I do not keep TCSP case information confidential, I am subject to discipline actions, up to and including termination of my position with the TCSP. I recognize that breach of confidentiality may result in civil liability.

4. I agree to excuse myself or to be excused by the TCSP Director or other TCSP supervisor at meetings when cases involve any member of my family including in-law relations, an associate, co-worker, or where there would be a conflict of interest.

5. The obligation to maintain confidentiality is indefinite.

67. I have read, understand, and agree to abide by all of the terms of this agreement as a condition of my employment for the TCSP. I further acknowledge that I was allowed a reasonable period of time within which to consider this Agreement, that I have considered this Agreement to the full extent I desire, and that I freely enter into and accept this Agreement, understanding fully all of its terms and conditions.

TCSP Staff Member / Date

TCSP Director / Date

Notary Public/ Date

Commission Expires

Customer Complaint Form

If you believe the Tulalip Child Support Program (TCSP) has delayed, not taken mandatory action on your case as required by Tulalip Law or federal regulations or any other concern, please complete this form.

I. Personal Information

Name:		
Address:		
City/ State/ Zip:		
Home Phone:	Cell Phone:	Work Phone:

II. Type of Complaint

A. Please indicate the nature of your complaint by checking one or more of the categories below:

- | | |
|--|--|
| <input type="checkbox"/> Quality of service | <input type="checkbox"/> Staff Conduct |
| <input type="checkbox"/> Staff Performance | <input type="checkbox"/> Availability of Staff Resources |
| <input type="checkbox"/> Disclosure of Information | <input type="checkbox"/> Availability of Staff |

B. Please use the “comment” section below to provide details about your complaint. The information provided should directly relate to the type of complaint you marked above in the category section. In addition, please describe any information provided to you by your case manager. Include copies of any evidence in support of your complaint.

C. Comments:

III. Review and Submission Process of Completed Forms

Please return completed forms to the Tulalip Child Support Director in person at the TCSP office located at 7267A 41st AVE NW, Tulalip, WA 98271 or via mail to 8825 34th AVE NE, Suite L-545, Tulalip, WA 98271. Upon receipt of this form, the TCSP Director shall review your complaint and notify you of a determination.

In the event that this complaint is directly related the TCSP Director; the NICS Executive Director will review the complaint. Notification will include, whether or not an error has occurred and/or if action was taken. Please mail completed forms to NICS Executive Director at 20818 44th Ave West, Suite 120 Lynnwood, WA 98036.

IV. Acknowledgement

I am requesting a review of my complaint.

Signature

Date

AUTHORITY FOR RELEASE OF INFORMATION

I hereby authorize the Tulalip Child Support Program to disclose private information pertaining to my case to the following:

Individual

(Last)	(First)	(Relationship)

I acknowledge that this is a release to disclose protected information on my case. I hereby direct TCSP to release such information upon request of the bearer. I understand that the information released is for official use and may be disclosed to such third parties as necessary in the fulfillment of official responsibilities.

I understand that my records are protected under the federal and state confidentiality regulations (42 C.F.R pt. 2) and cannot be disclosed without my written consent unless it is directly related to child support services, for the purpose of carrying out child support activities or otherwise provided for in the regulations. I also understand that I may revoke this consent at any time except to the extent that action has been taken in reliance on it and that in any event this expires automatically as described below.

Signature of Client	Date	Signature of TCSP Representative	Date

Signature of Parent, Guardian, OR Authorized Representative	Date

Tulalip Child Support Schedule Worksheet: Child Support Award

Custodial Parent (CP) _____

Non-Custodial Parent (NCP) _____

Children Ages

1. _____
2. _____
3. _____
4. _____
5. _____

Case Number: _____

PART 1. Basic Child Support Obligation	NCP	CP
1. Monthly Gross Income (86.2.18(a))		
a. Salary and Wages		
b. Treaty Income		
c. Commissions		
d. Stipend		
e. Bonuses		
f. dividends		
g. Severance pay		
h. Taxable per capita payments		
i. Interests		
j. Trust Income (include income received from land held trust by the United States or subject to a restriction against alienation)		
k. Annuities		
l. Deferred Compensation		
m. Capital Gains		
n. Social Security Benefits		
o. Workers Compensation Benefits		
p. Unemployment Insurance benefits		
q. Disability Insurance benefits		
r. Gifts		
s. Gaming Winnings		
t. Prizes		
u. Spousal Maintenance		
v. Non-Cash Income (describe)		
w. Monthly Average of other fluctuating income (yearly average/12 months)		
x. Self-Employment; income from rentals (86.2.18(a)(2))		
y. Expense reimbursements or benefits received by a parent in the course of employment or self-employment or operation of a business counted as income if they are significant and reduce personal living expenses		
z. Total Monthly Gross Income (add lines 1a through 1y)	0	0

2. Items Disclosed but not included in Monthly Gross Income (86.2.18(a)(1))	NCP	CP
a. TANF		
b. Supplemental Security Income		
c. Food Stamps		
d. Any other income exempt under Federal Law		
f. Child Support		
g. Total Disclosed but not included in Monthly Gross Income	\$100.00	\$175.00
3. Deductions from Monthly Gross Income (86.2.18(b)(1)-(9))	NCP	CP
a. United States Income Taxes		
b. Tribal, State or local income taxes		
c. FICA		
d. Health Insurance premiums to the extent of paid by an employee		
e. State Industrial insurance premiums		
f. Child Support paid for another child to the extent actually paid		
g. Court Order spousal maintenance to the extent actually paid		
h. Mandatory Union and Professional dues, and mandatory pension plan payments		
i. The amount of reasonable expense of an obligor for preexisting, jointly acquired debt of the parents to the extent payment of the debt is actually made. When a deduction for debt service is made, the Court may provide for prospective upward adjustments of support based on the anticipated reduction or elimination of the debt service.		
j. Total Deductions from Monthly Gross Income (add lines 3a through 3i)	\$50.00	\$25.00
4. Actual Gross Monthly Income (subtract 3j from 1z)	\$50.00	\$150.00
Part 2. Basic Child Support Obligation	NCP	CP
5. Total Number of Children NCP is legally responsible for		
6. Parent's Total Monthly Basic Child Support Obligation		
a. 15% (0.15) for one child		
b. 20% (0.20) for two children		
c. 25% (0.25) for three children		
d. 30% (0.30) for four children		
e. 35% for five or more children		

Part 3. At or below poverty level	NCP	CP

Part 4. NCP and CP Percentage of total Income	NCP	CP
a. Actual Gross Monthly Income	\$0.00	\$0.00
b. Combined total Income (add NCP total income + CP total Income)	\$0.00	\$0.00
c. % of Combine Total Income (divide total income/Combined total Income)	#DIV/0!	#DIV/0!

Part 5. Healthcare, Childcare, Extraordinary Expenses	NCP	CP
7. Healthcare Expenses		
a. Monthly Health Insurance Premiums paid for Child(ren)		
b. Uninsured Monthly Health Care Expenses Paid for Child(ren)		
c. Total Monthly Health Care Expenses (add lines a and b)	\$0.00	\$0.00
d. % of Combine Total Income (divide total income/Combined total Income)	#DIV/0!	#DIV/0!
8. Child Care Expenses	NCP	CP
a. Monthly Child Care Expenses Paid for Child(ren) (If cost of child care for child(ren) varies (i.e. between the school year and summer) take the total cost of child care and divide the amount by 12 (____) / (12) = (____))		
b. % of Combined Total Income	#DIV/0!	#DIV/0!
9. Monthly Extraordinary Expenses	NCP	CP
a. Medical Expenses, Dental Expenses, and Counseling Expenses (including substance abuse counseling and treatment)		
b. Educational or Extra Curricular Expenses		
c. Long Distance Transportation Expenses		
d. Long Distance Communication Expenses		
e. Traditional Cultural Activities		
f. Other Special Expenses		
g. Total Monthly Extraordinary Expenses (add line a through f)	\$0.00	\$0.00
h. % of Combined Total Income	#DIV/0!	#DIV/0!

Part 6. Each Parent's Total Child Support Responsibility	NCP	CP
10. Parent's Total Monthly Basic Child Support		
11. Basic Obligation (Refer to #5)		
12. Parent's Total Monthly Health Care Responsibility (Refer 6c)		
13. Parent's Total Monthly Child Care Responsibility (7a)		
14. Parent's Total Monthly Extraordinary Expenses Responsibility (Refer 8g)		
15. Parent's Total Monthly Child Support Obligation (add lines 9, 10, 11, 12, 13)		

16. Other Factors to Consider:

I declare, under penalty of perjury under the laws of the Tulalip Tribe, the information contained in this worksheet is complete, true and correct.

Custodial Parent Signature

Non Custodial Parent's signature

Date

Date

City

City

Judge of Presiding Officer

Date